

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, et al.,

Plaintiffs,

-against-

GRUPO MEXICO S. A. de C.V., et al.,

Defendant(s)

NOTICE OF MOTION


Index No.: 114728/04

FILED
MAY 27 2005
COUNTY CLERK'S OFFICE

PLEASE TAKE NOTICE that, plaintiffs, by notice of motion, pursuant to 22 NYCRR § 520.11(a)(1), the annexed Affirmation of John M. Broaddus dated April 19, 2005, and upon all prior pleadings and proceedings heretofore had herein, the undersigned will move this Court at the courthouse located at 60 Centre Street, Room 130, New York, New York on May 20, 2005 at 9:30 a.m. or as soon thereafter as counsel can be heard, for an order admitting, *pro hac vice*, John M. Broaddus, who is an attorney in the law firm of Weitz & Luxenberg, P.C., 180 Maiden Lane, 17th Floor, New York, NY 10038, as counsel in the above-styled action.

Please take notice that answering affidavits, if any, are to be served upon the undersigned, at least seven (7) days prior to the return date of this motion.

This is an action for fraudulent conveyancing pursuant to the New York Fraudulent Conveyance Act, Debt. & Cred. § 270 *et seq.* and the common law of New York concerning fraud.

SUPREME COURT STATE OF NEW YORK	APPROVED	U.S. MOTION S. & C. OFFICE	CLERK'S INITIALS
			

15 DAY RULE DATE

7-5-05

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(212) 558-5500

NEW YORK COUNTY

44-38861-100

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, et al.,

Plaintiffs,

AFFIRMATION IN SUPPORT

-against-

Index No.: 114728/04

GRUPO MEXICO S. A. de C.V., et al.,

Defendant(s)

I, John McNeill Broaddus, having been duly sworn, state as follows:

1. I am an attorney with the law firm of Weitz & Luxenberg, P.C.
2. I am a graduate of Boston University, American University, Washington College of Law, and George Washington University Law School.
3. I am a member in good standing of the Bars of Pennsylvania, Maryland, District of Columbia, and Virginia and am admitted to practice in the Virginia Supreme Court, District of Columbia Court of Appeals, Maryland Court of Appeals, and the Supreme Court of Pennsylvania, and before the United States District Courts for the District of Columbia, Eastern and Western Districts of Virginia, and District of Maryland, the United States Courts of Appeals for the District of Columbia Circuit, Third Circuit, and Fourth Circuit, and the United States Supreme Court. I am a member in good standing in all Courts in which I have been admitted.
4. Attached hereto are Certificates of Good Standing demonstrating that I am a member in good standing of the bars of Virginia Supreme Court, District of Columbia Court of

2



Supreme Court of Pennsylvania

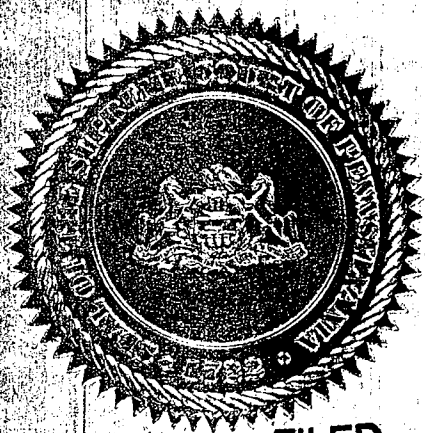
CERTIFICATE OF GOOD STANDING

John McNeill Broaddus, Esq.

DATE OF ADMISSION

August 30, 1996

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania; and is now a qualified member in good standing.



264791

FEB. 27. 2007

Witness my hand and official seal

Dated: April 5, 2005

Patricia A. Johnson AS AN EXHIBIT
Patricia A. Johnson
Chief Clerk

FILED
5/27/05
COUNTY CLERK
NEW YORK COUNTY
AS AN EXHIBIT

**Court of Appeals
of Maryland**
Annapolis, MD



CERTIFICATE OF GOOD STANDING

STATE OF MARYLAND, ss:

I, *Alexander L. Cummings*, Clerk of the Court of Appeals of Maryland,
do hereby certify that on the 21st day of June, 1984,

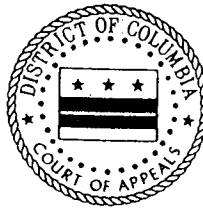
JOHN McNEILL BROADDUS

*having first taken and subscribed the oath prescribed by the Constitution and
Laws of this State, was admitted as an attorney of said Court, is now in good
standing, and as such is entitled to practice law in any of the Courts of said
State, subject to the Rules of Court.*

In Testimony Whereof, I have hereunto set
my hand as Clerk, and affixed the Seal of the
Court of Appeals of Maryland, this 4th
day of April, 2005.

Alexander L. Cummings

Clerk of the Court of Appeals of Maryland



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

JOHN M. BROADDUS

was on the 20TH day of JUNE, 1983

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on April 7, 2005.

GARLAND PINKSTON, JR., CLERK

By: *C. Jackson*
Deputy Clerk

David P. Bobzien, President
P.O. Box 8695
Reston, Virginia 20195-8695
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Thomas A. Edmonds
Executive Director and
Chief Operating Officer

Mary Yancey Spencer
Deputy Executive Director

Elizabeth L. Keller
Assistant Executive Director
for Bar Services

Susan C. Busch
Assistant Executive Director
for Administration

April 4, 2005

CERTIFICATE OF GOOD STANDING

THIS IS TO CERTIFY THAT JOHN McNEILL BROADDUS IS AN ASSOCIATE MEMBER OF THE VIRGINIA STATE BAR IN GOOD STANDING. MR. BROADDUS WAS LICENSED TO PRACTICE LAW IN VIRGINIA ON APRIL 28, 1982, AFTER SUCCESSFULLY PASSING THE BAR EXAMINATION GIVEN BY THE VIRGINIA BOARD OF BAR EXAMINERS.

SINCERELY,

THOMAS A. EDMONDS
EXECUTIVE DIRECTOR AND
CHIEF OPERATING OFFICER

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, et al.,

Plaintiffs,

-against-

Index No.: 14728/04

GRUPO MEXICO S. A. de C.V., et al.,

Defendant(s)

MEMORANDUM IN SUPPORT OF MOTION FOR ADMISSION PRO HAC VICE

Plaintiffs, pursuant to 22 NYCRR § 520.11(a)(1), respectfully submit this memorandum of law in support of their motion for admission *pro hac vice* of John M. Broaddus, an attorney in the law firm of Weitz & Luxenberg, P.C., 180 Maiden Lane, 17th Floor, New York, NY 10038, to participate as counsel in the above-styled action.

Pursuant to 22 NYCRR 520.11(a)(1), an attorney "who is a member in good standing of the bar of another state . . . may be admitted pro hac vice . . . in the discretion of any court of record to participate in any manner in which the attorney is employed." See e.g., *George C. Miller Brick Co., Inc. v. Stark Ceramics, Inc.*, 8 A.D.3d 1081, 778 N.Y.S.2d 657 (4th Dept. 2004), *Meckert v. Sears Roebuck & Company*, 275 A.D.2d 308, 712 N.Y.S.2d 56, (2d Dept. 2000).

Further, in accordance with 22 NYCRR 520.11(d)(1) and (d)(2), an attorney admitted *pro hac vice*

shall be familiar with and shall comply with the standards of professional conduct imposed upon members of the New York bar, including the rules of court governing the conduct of attorneys and the Disciplinary Rules of the Code of Professional Responsibility; and

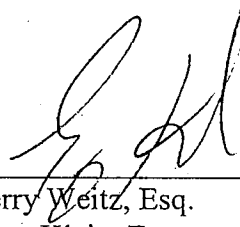
(2) shall be subject to the jurisdiction of the courts of this State with respect to any acts occurring during the course of the attorney's participation in the matter.

Attached hereto is the Affirmation of John M. Broaddus, with accompanying Certificates of Good Standing, showing that Mr. Broaddus is a member in good standing of the Bars of Pennsylvania, Maryland, District of Columbia, and Virginia. As set forth in his Affirmation, Mr. Broaddus is admitted to practice in the Virginia Supreme Court, District of Columbia Court of Appeals, Maryland Court of Appeals, and the Supreme Court of Pennsylvania, and before the United States District Courts for the District of Columbia, Eastern and Western Districts of Virginia, and District of Maryland, the United States Courts of Appeals for the District of Columbia Circuit, Third Circuit, and Fourth Circuit, and the United States Supreme Court. He is in good standing in all Courts in which he has been admitted.

The Affirmation further attests that Mr. Broaddus is familiar with and will adhere to the standards of professional conduct imposed upon members of the New York bar, including the rules of court governing the conduct of attorneys and the Disciplinary Rules of the Code of Professional Responsibility.

Mr. Broaddus is familiar with the facts of this case and is associated with attorneys in the New York office of Weitz & Luxenberg, including the undersigned, who are members in good standing of the New York bar and are attorneys of records in his matter.

WHEREFORE, it is respectfully requested that Mr. Broaddus be admitted to the Bar of this Court *pro hac vice* in this matter on plaintiffs' behalf.

A handwritten signature in dark ink, appearing to read 'Perry Weitz', is positioned above a horizontal line.

Perry Weitz, Esq.
Gary Klein, Esq.
Weitz & Luxenberg, P.C.
180 Maiden Lane, 17th Floor
New York, NY 10038
(212) 558-5500

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, et al.,

Plaintiffs,

-against-

GRUPO MEXICO S. A. de C.V., et al.,

Defendant(s)

ORDER

Index No.: 114728/04

This matter having come before the Court on the Motion of the Plaintiffs for an Order admitting John McNeill Broaddus *pro hac vice* as counsel for Plaintiffs in this matter, and the Court being sufficiently advised,

IT IS HEREBY ORDERED that said Motion is **GRANTED** and John McNeill Broaddus is admitted *pro hac vice* to practice in this case, with all pleadings, orders, notices, etc. to be served on all counsel.

This May day of ~~April~~, 2005.

Judge, Supreme Court of the State of New
York, New York County

) ss:
COUNTY OF NEW YORK)

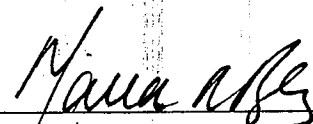
Maria N. Reyes, being duly sworn, deposes and says:
I am not a party to this action, I am over 18 years of age and
reside in Harriman, New York.

On, May 3, 2005 I served the within NOTICE OF MOTION FOR
ADMISSION PRO HAC VICE, MEMORANDUM IN SUPPORT OF MOTION FOR
ADMISSION PRO HAC VICE, and AFFIRMATION OF JOHN MCNEILL BROADDUS
on the attorneys listed below at the address designated by said
attorneys for that purpose by depositing a true copy of same
enclosed in a post paid properly addressed wrapper, and
delivering same to our mail clerk, who in turn in the ordinary
course of a business day, brought it to the mail room and then
mailed same by delivering it in an official depository under the
exclusive care and custody of the United States Post Office
Department within the State of New York.

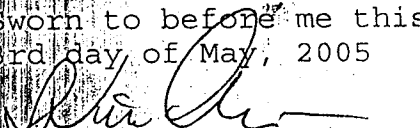
Clifford Thau, Esq.
David Lurie, Esq.
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Attorneys for Deft.
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New York, New York 10103

James A. Beha, II, Esq.
WINSTON & STRAWN, LLP
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Roger J. Hawke, Esq.
SIDLEY AUSTIN BROWN & WOOD, LLP
Attorneys for Deft.
AMERICAN MINING CORPORATION
787 Seventh Avenue
New York, New York 10019


Maria N. Reyes

Sworn to before me this
3rd day of May, 2005


Notary Public

NINA AIZMAN
Notary Public, State of New York
No. 01A15037161
Qualified in Kings County
Commission Expires December 31, 2006

Index No.

Year 20

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, et al.,

Plaintiffs,

-against-

GRUPO MEXICO S. A. de C.V., et al.,

Defendants.

NOTICE OF MOTION

Attorneys for Plaintiffs

WEITZ & LUXENBERG, PC

180 Maiden Lane
New York, NY 10038
(212) 558-5500

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature

Print Signer's Name

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE



NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

20



NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented in settlement to the
Hon. one of the judges of the within named Court,
at
on

20

at

M.

Dated:

Attorneys for

WEITZ & LUXENBERG, PC

180 Maiden Lane
New York, NY 10038

To: